

Board of Education is likely to cost the State some highly qualified persons who would accept an appointment by the governor but would shy away from any candidacy that would involve campaigning for the position.

In short, then, what is the effect of the addition of this phrase which the minority now accepts? It recognizes that a board and not one person will head the state school system. It insures that that board will be appointed by the governor. It eliminates an apparent inconsistency, within the constitution that we are drafting, between the general provisions proposal for education and the article in the executive branch in their section 4.21. It does not impair the General Assembly from creating any other subsidiary school systems as they may want to provide in the future; so a degree of flexibility still remains.

There is much—

THE CHAIRMAN: You have one-half minute.

DELEGATE ROBEY: This is surely to be commended by the minority. I submit, however, the simple addition of this phrase does not destroy the minority's intent nor their flexibility. This change will, however, provide great comfort to those citizens of our State vitally interested in education, while diminishing the possibility that education will be subject to political capture. I urge the members of this Committee to accept this compromise in the light that it was fashioned.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, at this time I yield five minutes to Delegate Blair.

DELEGATE BLAIR: Mr. Chairman and ladies and gentlemen of the Convention, at first I did not know whether I heard Delegate Henderson right when he was talking about not freezing anything into the constitution, and I thought possibly he had not read the amendment that was offered by the minority group, because that is what is the first step in the freezing process that he was evidently against. Now, apparently from my point of view he should go one step further, and he should extend that to a geographical division of this board; I think we should make it a lay board, and I think he should go a step further and prescribe who shall be on that board concerning the state superintendent to be selected by the board itself.

Now, we know that in the case of *Purnell v. State Board of Education* in 125 Maryland, the legislature could modify, control, abolish, and change all the appointed members of this board. I am glad to see at least that the minority has conceded the fact that we should now constitute the State Board of Education as a part of constitutional recognition.

The State Board constitutes a representative body in education more than any other field. The voice of the people is to be heard clearly and distinctly.

State constitutions have provided an avenue through which oncoming generations may have their educational needs satisfied and supplied by a board with authority to take into account the desires and requirements of citizens.

The State Board of Education keeps the State's educational program effectively functioning to prohibit outside forces from encroaching where federal management is remote and minimizes many elements. So essentially in adopting education to state and local demands, the State Board also protects the forces of private interests, seeking to sublimate quality education for financial equality. There are forty-eight states in this union having State Boards of Education, together with commissions and superintendents managing the affairs of the educational department.

We should therefore constitutionalize the state superintendent as an ancillary factor in this board of education. He is chosen by the board. The board should be a lay board, and he should be the professional member of that board. The combination of a lay board control and professional administration is a proper democratic process that has still the test of time. A state board relieves a single state official from the sole responsibility in public education. The state board can serve to maintain for education the place it deserves and has rightly occupied in the structure of the state government.

Education is no longer the three R's. With the passing of time the tree has grown, and many branches have come forth. The State Board continues to meet challenges in discovering new social demands and in devising effective ways in meeting them. As a matter of internal operation the board has chosen liaison among its members, not blind agreement but rather an atmosphere of mutual understanding. By extending this atmosphere to a geographical area where board members